

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-02-20	File(s): B68.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2/27/2025 1:00:00 PM

Consolidated Recommendation

The City has no objections to the consent application.

Application Details

The applicant requests the Consent of the Committee to sever a parcel of land for a lot addition. The parcel of land has a frontage of approximately 9.76m (32.02ft) and an area of approximately 74.5sq.m (801.9sq.ft).

The parcel of land will be added to the parcel to the south known as 949 Burnhamthorpe Road East.

Recommended Conditions and/or Terms

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 4018 Tomken Rd

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

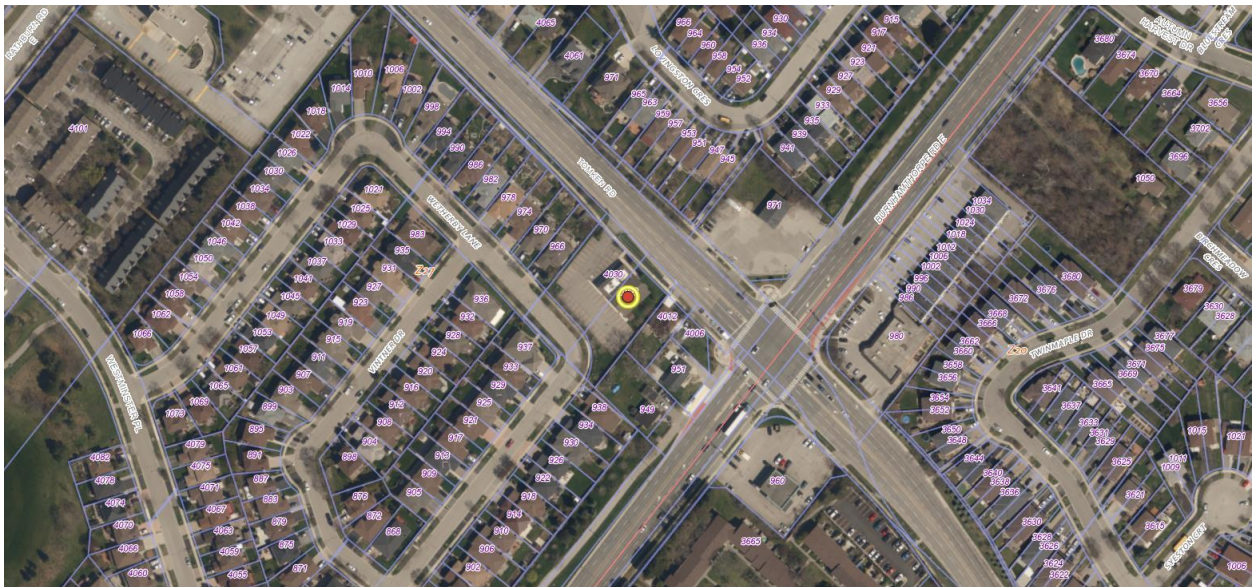
Zoning: R3 - Residential

Other Applications: None

Site and Area Context

The subject property is located along the west side of Tomken Road, north-west of the Tomken Road and Burnhamthorpe Road East intersection in the Rathwood Neighbourhood Character Area. It is an interior lot containing a one-storey place of religious assembly (Applewood Heights Gospel Hall) with an associated surface parking lot. Limited landscaping and vegetative elements are present throughout the subject property. The surrounding area is mostly residential, consisting of detached dwellings on varied sized lots. Additionally, motor vehicle repair facilities – restricted and commercial uses are found in the larger area context.

The applicant is proposing a consent to sever a parcel of land for the purposes of a lot addition for the subject property municipally known as 949 Burnhamthorpe Road East, which currently contains a one-storey detached dwelling and detached garage.



Comments

Planning

Provincial Matters

The Provincial Policy Statement 2024 (PPS 2024) promotes efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

Staff comments concerning the application are as follows:

The subject property is located in the Rathwood Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

Planning staff note the consent to sever a portion of 4018 Tomken Road is for the purposes of a lot addition to establish adequate sanitary service for a proposed new dwelling at 949 Burnhamthorpe Road East. Transportation & Work's staff have noted no concerns with the severance proposal.

Staff are satisfied that the application is consistent with the MOP as both parcels involved in the consent applications will provide for adequately sized lots for the intended. Furthermore, both the severed and retained parcel exceed minimum by-law requirements. Staff have no concerns with the consent application regarding the criteria set out in Section 51(24) of the Planning Act as the lot addition will facilitate appropriate utilities and municipal services are suitable for the planned use of the property. The proposed and existing easements ensure the functionality of the site will not be impacted by the proposed lot addition. Staff are therefore of the opinion that the application conforms to Section 51(24) of the Planning Act.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request where no new lot is being created. The severance will facilitate a parcel of land being severed from 4018 Tomken Road and consolidated with 949 Burnhamthorpe Road East. The applicant has indicated in the information submitted that the severance would allow for adequate servicing to be provided to 949 Burnhamthorpe Road East.

Currently, 949 Burnhamthorpe Road East does not have adequate sanitary service which would be required to construct a new dwelling. The severed lands provide access to the required municipal services located within the Wetherby Lane right-of-way (Plan C-50058) which would facilitate re-development of the site.

The applicant is advised that there are existing easements located within the severed lands, specifically Part 6, Plan 43R-30302 which is a 3.0 m storm sewer easement and Part 5, Plan 43R-30302 which is a 3.0 m sanitary sewer easement. We note these existing easements will transfer with title.

It should also be noted that all costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the any road re-instatement (if required). If the service connections are to be installed by a private contractor retained by the owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road re-instatement.

In view of the above this Department has no conditions/requirements to the requested severance.

For further information regarding the above noted comments, please contact Tony Iacobucci at (905) 615-3200 ext. 5129 or tony.iacobucci@mississauga.ca.

Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

Zoning has no objection to the Consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition:

- The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

Comments Prepared by: Emily Majeed, Planner-in-Training

Appendix 3 – Region of Peel Comments

Comments:

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements. .

Condition:

Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private and or municipal service easements.

Comments Prepared by: Brian Melnyk, Development Engineering

Appendix A – Conditions of Provisional Consent

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
4. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 20, 2025.

NOTE:

Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction that is subject to this consent and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.